

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
GIZACHEW WONDIE,
Defendant.

NO. CR18-315 RAJ

This matter having come before the Court on a Stipulated Motion for Entry of an Amended Discovery Protective Order, the Court hereby enters the following:

DISCOVERY PROTECTIVE ORDER

A. Definitions

As used in this Order, the term “Protected Material” means materials—including King County search warrant materials, law enforcement reports, and investigators’ email communications—marked by the government as “Protected Material.” “Sensitive Material” means limited information contained within the “Protected Material” that is highly law enforcement sensitive, marked by the government as “Sensitive Material.” The “Defense Team” means the members of the defendant’s litigation and investigative team, including defense counsel, investigators, paralegals, assistants, law clerks, and experts, but not including the defendant.

1 B. Permissible Disclosure of Protected Material and Sensitive Material

2 To comply with the government's discovery obligations, the United States will
3 make available copies of the Protected Material to the Defense Team. Possession of the
4 Protected Material is limited to the Defense Team. The Defense Team may not provide
5 copies of the Protected Material to other persons, including the defendant. The Defense
6 Team may review the Protected Material with the defendant. The defendant may visually
7 inspect and review such documents, but shall not be allowed to possess and maintain
8 Protected Material.

9 Pursuant to the Court's protective order dated July 17, 2019, Dkt. 31, the
10 government made certain Sensitive Material available for the Defense Team's review at
11 the United States Attorney's Office. *Id.* at 2. However, the current shelter-in-place orders
12 and social distancing protocols implemented in response to the Coronavirus Disease 2019
13 (COVID-19) outbreak have made the Defense Team's in-office review of Sensitive
14 Material infeasible. To accommodate the Defense Team's continued review of this
15 material, and by agreement of the parties, the government will make this Sensitive Material
16 available for the Defense Team's review through a secure, cloud-based file-sharing
17 platform. The Defense Team will not print, copy, photograph, or otherwise replicate the
18 Sensitive Material except in pleadings related to this case, or for the purpose of
19 corresponding within the Defense Team regarding the case. The Defense Team will not
20 share the contents of the Sensitive Material with any third party, except as noted above,
21 nor share the contents of the Sensitive Material with the defendant.

22 C. Filing

23 If any Protected Material or Sensitive Material is filed in court, or if contents of such
24 materials are divulged in court pleadings as part of litigation, the parties shall file such
25 information or pleadings under seal. This does not entitle either party to seal their filings
26 as a matter of course. The parties are required to comply in all respects with the relevant
27 local and federal rules of criminal procedure pertaining to the sealing of court documents.
28

D. Maintenance

The Defense Team shall keep any Protected Material secured whenever the Protected Material is not being used in furtherance of their work in the above-captioned case. All documents containing Protected Material shall be returned to the United States, or destroyed, once all charges are resolved by dismissal or by final conviction. The provisions of this Order shall not terminate at the conclusion of this prosecution.

E. Modification

In the event that compliance with this Order makes it difficult for defense counsel to adhere to their Sixth Amendment obligations, or otherwise imposes an unworkable burden on counsel, defense counsel shall bring any concerns about the terms of the Order to the attention of the government. The parties shall then meet and confer with the intention of finding a mutually acceptable solution. In the event that the parties cannot reach such a solution, defense counsel shall bring any concerns about the scope or terms of the Order to the attention of the Court.

The parties may seek to modify this Order, as necessary, by filing with the Court a motion to modify this Amended Protective Order.

DATED this 13th day of April, 2020.

Richard D. Jones

The Honorable Richard A. Jones
United States District Judge